

Message Text

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ACTION AF-10

INFO OCT-01 ISO-00 IO-13 EUR-12 CIAE-00 DODE-00 PM-05

H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 DHA-02 /084 W

-----128857 220828Z /15

R 220715Z AUG 77

FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC 8502

INFO AMCONSUL CAPE TOWN

AMCONSUL DURBAN

AMCONSUL JOHANNESBURG

C O N F I D E N T I A L SECTION 1 OF 2 PRETORIA 4242

E.O. 11652: GDS

TAGS: PDEV SF

SUBJ: PROSPECTS FOR CHANGE: NEW CONSTITUTIONAL PROPOSALS

SUMMARY: SAG'S NEW CONSTITUTIONAL REFORM PLAN CALLS FOR A STATE PRESIDENT ELECTED BY WHITE, INDIAN AND COLORED ELECTORS, A MIXED CABINET ON WHICH ALL THREE GROUPS ARE REPRESENTED AND THREE SEPARATE PARLIAMENTS WITH THREE PRIME MINISTERS. THE WHOLE PLAN IS CAREFULLY CIRCUMSCRIBED BY WHITE MAJORITIES SO THAT WHITE CONTROL IS NOT CHALLENGED. BLACKS DO NOT FIGURE IN SCHEME.

1. REV. ABEL HENDRICKS, MEMBER OF THE COLORED REPRESENTATIVE COUNCIL (CRC), DROPPED BY EMBASSY LATE LAST THURSDAY TO EXCHANGE VIEWS AND SEEK HELP ON VISA FOR HIS SON. KNOWING THAT HE HAD JUST COME FROM A CONFIDENTIAL BRIEFING BY PM VORSTER ON THE NEW CONSTITUTIONAL PLAN, I ASKED HIM HOW THE MEETING HAD GONE. HE DIPPED INTO HIS BRIEFCASE FOR HIS NOTES AND, ASKING THAT I PROTECT THE INFORMATION, RELATED THE FOLLOWING:

A) THE BRIEFING WAS ORAL WITH NO PIECE OF PAPER HANDED OUT.

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B) GOVERNMENT THINKING ON THE NEW PLAN IS WELL DEVELOPED AS FAR AS THE ORGANIZATIONAL STRUCTURE IS CONCERNED BUT THERE IS STILL MUCH AMBIGUITY ABOUT POWERS AND JURISDICTION.

C) ON THE ORGANIZATIONAL SIDE:

(I) THE STAE PRESIDENT IS TO BE ELECTED BY AN ELECTORAL COLLEGE MADE UP OF WHITES, COLOREDS AND INDIANS. THE COMPOSITION OF THE COLLEGE IS TO BE AS FOLLOWS:

--WHITES - 50 MEMBERS
--COLOREDS - 25 MEMBERS
--INDIANS - 13 MEMBERS

EACH PARLIAMENT IS TO SELECT THE ELECTORS CORRESPONDING TO EACH POPULATION GROUP. HENDRICKSE SAID THE PM NOTED THAT THE STATE PRESIDENT COULD BE FROM ANY OF THE POPULATION GROUPS. HENDRICKSE COMMENTED THAT THE 50-38 DIVISION IT WOULD BE SOME TIME BEFORE A NON-WHITE EMERGED.

(II) EACH POPULATION GROUP IS TO HAVE ITS OWN PARLIAMENT AND PRIME MINISTER. THE PARLIAMENTS ARE TO BE UNICAMERAL (A LEGISLATIVE ASSEMBLY).

--THE WHITE PARLIAMENT IS TO CONSIST OF 185 MEMBERS. OF THESE 165 ARE TO BE ELECTED AND 20 NOMINATED.

--THE COLORED PARLIAMENT IS TO HAVE 92 MEMBERS: 82 ELECTED AND 10 NAMED.

--THE INDIAN PARLIAMENT WILL HAVE 51 MEMBERS: 46 ELECTED AND 5 NOMINATED.

UNDER THE PLAN THE EXISTING WHITE SENATE WOULD FALL AWAY. THE NOMINATED MEMBERS WOULD BE CONFIDENTIAL

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SELECTED BY THE RULING PARTY IN EACH PARLIAMENT AND APPOINTED BY THE STATE PRESIDENT.

(III) THERE IS TO BE A CABINET COUNCIL OVER WHICH THE STATE PRESIDENT WILL PRESIDE AND OF WHICH HE WILL BE A VOTING MEMBER. THE COMPOSITION OF THE COUNCIL WILL BE:

--FROM WHITE PARLIAMENT: 6 PLUS PM
--FROM COLORED PARLIAMENT: 3 PLUS PM
--FROM INDIAN PARLIAMENT: 2 PLUS PM

HENDRICKSE OBSERVED THAT WHILE THERE WILL BE EQUAL NUMBER OF WHITE AND NON-WHITE REPRESENTATIVES FROM THE PARLIAMENTS (7-7) THE SCALE IS TIPPED TOWARD THE WHITES BY MAKING THE STATE PRESIDENT A VOTING MEMBER, THEREBY ASSURING THE WHITES AN 8-7 MAJORITY. I ASKED HOW VOTES ARE TO BE TAKEN IN THE CC. HENDRICKSE SAID THERE WAS THE EXPRESSED HOPE THAT CONSENSUS WOULD PREVAIL, BUT MAJORITY VOTE IS CONTEMPLATED SO WHITES WILL MAINTAIN CONTROLLING EDGE.

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(IV) HENDRICKSE WENT ON TO SAY WITH RESPECT TO THE CABINET COUNCIL THAT THE COUNCIL WILL DRAFT ALL LEGISLATION DEALING WITH MATTERS NOT DELEGATED TO THE EXCLUSIVE JURISDICTION OF THE INDIVIDUAL PARLIAMENTS. IF THE CC AGREES ON A MEASURE, THEN ALL THE PARLIAMENTS ARE EXPECTED TO ENACT THE LEGISLATION. HOWEVER, IF ONE OR TWO OF THE PARLIAMENTS BALK AND THE THIRD PASSES THE MEASURE, THEN THE LEGISLATION BECOMES LAW FOR ALL. HENDRICKSE OBSERVED THAT THIS AGAIN INSURES THAT THE WHITE PARLIAMENT WILL HAVE ITS WAY.

(V) THERE IS ALSO TO BE A STATE PRESIDENT'S COUNCIL MADE UP OF 55 MEMBERS WHO ARE NON-PARLIAMENTARIANS. THE COMPOSITION IS BROKEN DOWN AS FOLLOWS:
--20 CHOSEN BY WHITE PARLIAMENT
--10 CHOSEN BY COLORED PARLIAMENT
-- 5 CHOSEN BY INDIAN PARLIAMENT
--20 CHOSEN BY STATE PRESIDENT FROM ANY POPULATION GROUP.
THE MEMBERS OF THE COUNCIL ARE NOT FULL TIME. THEY ARE SUPPOSED TO BE EXPERTS IN VARIOUS FIELDS.
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THEIR FUNCTION IS TO ADVISE THE PRESIDENT AND

CABINET COUNCIL.

2. WITH REGARD TO POWERS AND JURISDICTION HENDRICKSE SAID MUCH REMAINS TO BE CLARIFIED. ALL MATTERS AFFECTING A POPULATION GROUP ARE TO BE HANDLED BY THE RESPECTIVE PARLIAMENT. THIS INCLUDES SUCH AREAS AS EDUCATION, SOCIAL SERVICES, HOUSING AND RECREATION. HENDRICKSE SAID THAT IN THE MEETING WITH VORSTER THEY ASKED WHAT WOULD HAPPEN IN THE CASE OF CONFLICTING LAWS AND THE ROLE OF THE COURTS. VORSTER DODGED THESE, ACCORDING TO HENDRICKSE, BUT DID SAY THAT AN INDIVIDUAL PARLIAMENT CANNOT PASS A LAW WITHIN ITS OWN JURISDICTIONAL AREA UNLESS APPROVED BY THE CABINET COUNCIL.

3. COMMENT: OBVIOUSLY MUCH REMAINS TO BE CLARIFIED AND DEFINED. HENDRICKSE WAS NOT CLEAR WHAT GOVERNMENT'S TIME-TABLE FOR IMPLEMENTATION IS. AT FIRST GLANCE THE SALIENT FEATURE OF THE SCHEME IS THAT WHILE THERE IS A DEGREE OF JOINT DECISION MAKING AND POWER DELEGATION ON AN ETHNIC BASIS, THE DECISION MAKING PROCESS IS CAREFULLY CIRCUMSCRIBED BY WHITE MAJORITIES SO THAT WHITE CONTROL CANNOT BE SERIOUSLY CHALLENGED. WE WILL BE FOLLOWING THIS NEW DEVELOPMENT CLOSELY TRYING TO FILL OUT THE PLAN THE GOVERNMENT HAS DEVELOPED. OUR ANALYSIS WILL WAIT UNTIL WE HAVE A FULLER PICTURE.
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CALLS FOR A STATE PRESIDENT ELECTED BY WHITE, INDIA N AND COL
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